

## REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

## Status of the Claims

Claims 1-11 are pending. Claims 1, 2 and 10 have been amended. Claim 11 has been added. No new matter has been added.

### Allowable Subject Matter

Applicant appreciatively acknowledges the Examiner's indication of allowable subject matter in claim 10. The Examiner has objected to claim 10 for containing an informality (a period in line 14). Claim 10 has been amended to eliminate the informality and has been placed in independent form reciting the subject matter of its base and any intervening claims. Applicant requests withdrawal of the objection.

### Rejection Under 35 U.S.C. § 103

Claims 1, 2 and 4-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art ("AAPA") in view of U.S. Patent No. 5,117,418 to Chaffee, et al. ("Chaffee") and U.S. Patent No. 6,252,902 to Simeon, et al. ("Simeon").

The Examiner contends that the AAPA discloses most of the features of claim

1. However, the Examiner acknowledges that application Figure 2 (prior art) discloses neither



Applicant submits that Abrams does not disclose or suggest the step recited in claim 1 of “providing at least one control signal to control the timing of said transmitting step so that said calculating step is performed for predesignated first signals.” Therefore, Applicant submits that the combination of the AAPA, Chaffee, Simeon and Abrams does not disclose or suggest the invention of claim 3.

Additionally, Applicant submits that the Examiner has not met the burden of establishing a *prima facie* case of obviousness against claim 3. Abrams is in the field of testing closed loop transducers, such as accelerometers for seismic data acquisition systems. (Abrams, column 1, lines 8-12.) Accordingly, Applicant submits that Abrams is in a non-analogous art, and at the time of the invention a person of ordinary skill in the art of echo cancellation filters for communication modems would not look to Abrams to achieve the invention of claim 3. Therefore, Applicant submits that the Examiner has impermissibly relied on non-analogous art and used hindsight in combining the AAPA, Chaffee, Simeon and Abrams. Withdrawal and reconsideration is requested.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Chaffee, Simeon and U.S. Patent No. 6,535,552 to Pessoa. The Examiner cites Pessoa as disclosing multiplying filter coefficients by a window coefficient. The Examiner contends that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the AAPA, Chaffee, Simeon and Pessoa to achieve the invention of claim 9. Claim 9 depends from amended claim 1 and Applicant submits that Pessoa does not disclose or suggest the step recited in claim 1 of “providing at least one

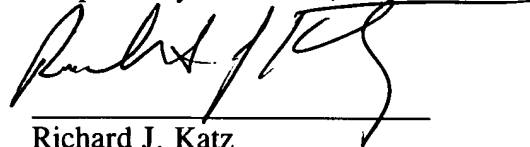
control signal to control the timing of said transmitting step so that said calculating step is performed for predesignated first signals." Therefore, Applicant submits that the combination of the AAPA, Chaffee, Simeon and Pessoa does not disclose or suggest the invention of claim 9. Withdrawal and reconsideration is requested.

### CONCLUSION

Each and every point raised in the Office Action dated January 20, 2004 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-11 are in condition for allowance. Applicant respectfully requests that the application be reconsidered, that all pending claims be allowed and that the case be passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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